

Village of Irvington
Zoning Board of Appeals

Minutes of Meeting held August 24, 2004

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, August 24, 2004, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Robert Bronnes
Christopher Mitchell

Mr. Lustenberger acted as Chairman and Mr. Mitchell as Secretary of the meeting.

Minutes for the Board's meeting of July 27, 2004 were approved. The Chairman explained the ground rules for a meeting such as this one, with three members present: that a variance could be approved, but only if the vote were unanimous. A divided vote would mean rejection of an application.

There were four new matters on the agenda:

2004-23 Martin & Meredith Dolan - 2 Clifton Place (Sheet 9; Block 222; Lots 45,54,56,66)
 Seeking a variance from section 224-59A (pool location) of the Village Code in order to permit the construction of a pool.

- 2004-24 Fernando Mateo & Stella Urban - 202 West Clinton Avenue (Sheet 7B; Block 249; Lot 9A)
Seeking a variance from sections 224-13 (coverage) and 224-136 (floor area ratio) of the Village Code in order to permit the construction of additions and alterations to an existing two-story residence.
- 2004-25 James & Vesna Rothschild - Lot 13 Dearman Park Subdivision (Sheet 10; Lot 13)
Seeking a variance from sections 224-34 (height) and 224-136 (floor area ratio) of the Village Code in order to permit the construction of a single family residence.
- 2004-26 Racwel Contracting - Lot 15 Dearman Park Subdivision (Sheet 10; Lot 15)
Seeking a variance from sections 224-34 (height) and 224-136 (floor area ratio) of the Village Code in order to permit the construction of a single family residence.

Dolan

Architects Jill Gotthelf and Walter Sedovic appeared on behalf of the applicants. They described the proposed project, to add a pool to the property on Clifton Place. They stated that placing the pool in accord with the Village Code would require it to be located northwest of the house, intruding on a lawn that forms an aesthetically pleasing complex together with the house and the Hudson view. George Siekkinen, Senior Architect, National Trust for Historic Preservation, and the New York Botanical Society have attested that the scenic views are an important design element on the property. The applicant requests, instead, to

build the pool north of the house, in the actual "back" yard. (The house's address is on Clifton Place, but it faces Hudson Road, to the south.) If the pool is built as requested, the architects stated, it would also receive additional natural screening to minimize its visibility from the closest street, Clifton Place. They also noted that such placement would avoid building new and possibly intrusive outbuildings to service the new pool.

Following discussion, the Chairman proposed a resolution to approve the application, which was passed by a vote of 3-0.

Mateo and Urban

Mr. Padraic Steinschneider represented the applicants, who had the house in question built for them some years ago, and now wish to expand and make it more usable. He described most of the proposed changes as filling in beneath existing porches, and somewhat expanding one porch at the second-floor level. The Chairman noted that the proposed work would only increase, in a limited fashion, the degree to which the residence exceeded applicable zoning provisions: 10% in the matter of coverage, and 15% in the case of floor area ratio. However, he added that the structure already covered 16.8% more of the lot than is called for in the code, and that its floor area ratio also exceeded the code's provisions by 30%.

The combined numbers, he stated, might be viewed as rather high. Mr. Mitchell said that he would prefer to have this application acted upon at a Board meeting with more members present.

After discussion, it was agreed to adjourn this matter to the next Board meeting.

Rothschild and Racwel

Before discussion opened on the Rothschild application, Mr. John Pelosi, Esq., of 112 Sycamore Lane appeared on behalf of Mr. John D'Ambrosio of 7 Barbara Lane, a neighbor who had received notice of the Rothschild request. Mr. Pelosi objected to the Board's proceeding with only three members present. The Chairman said that in his view there was no procedural bar to continuing the consideration, subject to the ground rules he had stated at the meeting's outset. The meeting continued.

Both the Rothschild and Racwel applications were, in effect, discussed together. Mr. Steinschneider, the developer for both properties, presented drawings of the proposed Rothschild residence, which would exceed the maximum permissible floor area ratio by 30%, and would exceed the maximum permissible height (35 feet) by 11 feet 6 inches. Mr. Steinschneider stated that when the Dearman Park subdivision was approved in 2002, the appearance of the

planned houses was germane to the approval itself. He stated as his view that the Village of Irvington's floor area ratio rules were intended to protect existing neighborhoods from excessively bulky structures, not to condition or constrain new subdivisions.

The Chairman observed that the requested variances are substantial, and that they would likely set a precedent for the whole development, and perhaps for the rest of the village. This issue might be considered, he noted, a matter for the Planning Board or for the Village Trustees. The Chair continued that he believed these applications should be argued before the whole Board at a later meeting.

Mr. Edward Tishelman, a neighbor to the proposed Rothschild project, spoke against the application, viewing it as a bad precedent.

The Chairman suggested an adjournment to the September 21 Board meeting, an action supported by other Board members present, which met no objection from Mr. Steinschneider.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

Christopher Mitchell